

REMARKS

Claims 1-53 are pending in this patent application. Claims 32-44 are withdrawn. Claims 1-31 and 45-53 currently stand rejected. In this response the Applicants have amended claims 8, 15, and 28 to correct minor typographical errors. No new claims have been added. Thus, the Applicants respectfully submit that no new matter has been included in this response.

ANTICIPATION

Claims 1-14, 23/(10) [sic] and 45-52 stand rejected as anticipated by Pourahmadi and claims 1-13 are rejected as anticipated by Anderson. However, as noted by the Examiner on page 9 of the Office Action (8/03/2006) “if the microfluidic channels in both references cannot be considered to be “buried channels,” then the **references fail to teach every limitation** set forth in the claims.”

In fact, “buried channels” are defined at ¶19 of the specification to **exclude** channels formed by bonding two supports together, as is taught by the cited references. Thus, the cited references fail to teach “buried channels” and the claims are not anticipated. Withdrawal of the rejection is respectfully requested.

OBVIOUSNESS

Claims 1-14, 23/(10) [sic] and 45-52 stand rejected as obvious by Pourahmadi or Anderson in view of Villa. Applicants have reviewed the application by Villa and belatedly realized that priority should be claimed to this application. The delay was unintentional and caused by the separation of the two portfolios to two different law firms, and applicants file the requisite petition, request and fees herewith to amend the inventorship to include Villa and Barlocchi and claim priority to same. Assuming that the petition is granted and the priority claim allowed, the Villa reference is no longer prior art, and the objection is moot. Therefore, Applicants respectfully request withdrawal of the rejection.

Claims 15-22, 23/(17, 22) [sic] and 24 are also rejected as obvious over Pourahmadi and Freeman, claims 25-31 over Pourahmadi, Freeman, and Kaplan or Webster, and claim 53 over Pourahmadi and McDevitt. As noted above, Pourahmadi fails to teach buried channels, and neither does the

remaining cited art. Thus, the cited references fail to each element of the claimed invention and the obviousness rejection is overcome. Therefore, Applicants respectfully request withdrawal of the rejection.

OBVIOUSNESS-TYPE DOUBLE PATENTING


Claims 1, 3, 4, 6, and 7 are provisionally rejected for obviousness-type double patenting over co-pending application 09/874382 (6/4/01). Similarly, claims 1, 3-7 and 10-13 are rejected over 11/0172,272 (11/20/04), and claims 1, 6, 7 are rejected over 11/009171 (10/10/04). Each of these patents was filed **after** the first US or international filing date for this application (09/545,260, filed 4/7/00). Therefore, applicants do not believe there is any need to disclaim any part of the term herein, because it is **already shorter** than the cited applications. Thus, applicants request withdrawal of the rejection, or further clarification as to why a terminal disclaimer is needed.

CONCLUSION

Applicants have addressed all of the Examiner's rejections. Applicants believe that the claims are now in condition for allowance and respectfully request that the Examiner grant such an action. If any questions or issues remain in the resolution of which the Examiner feels will be advanced by a conference with the Applicants' attorney, the Examiner is invited to contact the attorney at the number noted below. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-3420 reference 31175803-004001 (Valoir).

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Respectfully submitted,

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